Minutes of the meeting

National Data Guardian's Panel Meeting

📅 **11.09.2019** 📍 **The Euston Room, First Floor, The Hallam Conference Centre, 44 Hallam Street, London, W1W 6JJ.**

Panel members present:
Dame Fiona Caldicott – Chair
John Carvel
Mark Golledge
Eileen Phillips
Professor Martin Severs
Dr Joanne Bailey
David Watts
Anne Stebbing
Patricia Marquis

In attendance:
Dr Chris Bunch
David Riley
Jenny Westaway
Ross Thornton
Karen Swift

Guests:
Lorraine Jackson
Abigail Vella
Ian Turner
Dr Vicky Chico
Naho Yamazaki
Jackie Gray (observer)

1. Welcome, apologies and declarations of interest

Apologies were noted from Dr Alan Hassey, Dr James Wilson and Rakesh Marwaha. No declarations of interest were noted.

Dame Fiona introduced colleagues to Patricia Marquis, a new panel member nominated by the Royal College of Nursing and welcomed her to the meeting.

Jackie Gray, Executive Director of Information Governance at NHS Digital, attended this panel meeting after lunch as an observer.

2. Minutes from previous meeting, actions and decisions

The minutes from the panel meeting held on 11 July 2019 were accepted as an accurate record of the meeting.

It was agreed that there were three open actions; all other actions were agreed as having been completed prior to this meeting

3. Sponsor's update

Lorraine Jackson, Deputy Director for Data Policy from the Department of Health and Social Care (DHSC) sponsor team, provided an update to the NDG and her panel members. Lorraine outlined the aims of the new National Information Governance Board. The first meeting will be held on the 10 October and will be chaired by Dawn Monaghan Head of Information Governance NHSX. The panel felt it would be crucial that the vision, remit and Terms of Reference of this group were clearly articulated.

Lorraine also summarised discussions taking place about the proposals for a new GP dataset for secondary purposes. She started by thanking Dr Alan Hassey for his input, which has been appreciated and gave the view that good progress had been made in the two meetings that had been held and chaired by Matthew Gould CEO of NHSX This had led to a point where Ministers had been content for the programme to carry on its work, subject to some additional safeguards being put in place.

Lorraine gave a brief update on preparations to ensure that health and care data flows can continue safely after Brexit under a number of scenarios.

Lorraine advised panel members that she is moving to a new role within Department Health and Social Care on 14 October 2019 and that an advert for her replacement will be going out soon.

Lorraine's updates led panel members to ask a number of questions and a discussion followed.

Panellists also expressed their gratitude for Lorraine's work as the key sponsor link for the NDG and her panel. Her positive and open approach was noted as having made a very significant contribution to the successful operation of this important link.

4. Caldicott Guardians – their role in the developing information governance landscape

Dr Chris Bunch, current Chair of the UK Caldicott Guardian Council, presented a paper detailing the current roles and responsibilities within the

Information Governance landscape in health and care. Panel members were asked to consider the value that Caldicott Guardians bring and the future of the role.

It was agreed that this item required further discussion and that the NDG would be pleased to contribute to this. The office will form a working group to help develop a second iteration of the UK Caldicott Guardian's Council paper.

2019.09.11/4:1: The office to form a working group for helping to develop a second iteration of the UK Caldicott Guardian's Council paper.

5. Social Care Data and Cyber Security Report

Ian Turner, Chair of the Registered Nursing Home Association and Abby Vella, Adviser in the Local Government Association's Care and Health Improvement Programme, delivered a short presentation introducing the panel to their report.

A discussion followed regarding the challenges of the work to support the social care sector in implementing better data security measures and how the NDG may be able to support this moving forward.

2019.09.11/5:1: The office to liaise with Ian and Abby about their work on their report, asking them to point out relevant points of feedback, next steps and to see how NDG can support.

6. Status of pseudonymised data:

Jenny Westaway and Dr Joanne Bailey provided an update on the NHS X-led piece of work to consider the circumstances in which pseudonymised data held and disseminated by the NHS should be considered to be personal data (under the GDPR) and personal confidential data (and owed a duty of confidence) and when it could be considered anonymised.

Panel members examined the questions and queries that the note raises, and a discussion followed.

7. Data use in software: Information governance requirements for medical software in the NHS and Adult Social Care:

Dr Vicky Chico, Data Policy Advisor, and Naho Yamazaki, Head of Policy and Engagement from the Health Research Authority, attended panel to discuss updating the guidance that summarises using patient data in medical software. Vicky talked through the background for creating this new guidance. It will replace the NHS Digital, Department of Health and Social Care, Medicines and Healthcare Regulatory Agency and Health Research Authority Clinical Safety Guidance: Governance and regulatory requirements for

decision supporting and making software in the NHS and Adult Social Care.

Panel agreed that this was an important piece of work and made a number of observations and a discussion followed. HRA colleagues will continue to develop this guidance and will ask panel members to provide comments on a further iteration of the draft guidance.

HRA agreed to keep in contact about their work and next steps, to see how NDG can best support.

2019.09.11/7:1: The office to liaise with HRA colleagues to organise a panel review of a further iteration of the *Using patient data in medical software* guidance. The office will also further discuss whether the NDG would endorse the final guidance.

8. Any other business

No items were raised by panel members during the meeting.